



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

2007 JAN 17 10:11:09

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Ref: 8ENF-W

JAN 17 2007

CERTIFIED MAIL #7003 2260 0002 0331 6717  
RETURN RECEIPT REQUESTED

Richard Oppen, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. SDWA-08-2007-0015

Town and Country Lanes and Bar  
6126 Highway 312  
Billings, MT 59105  
PWS ID# MT0001731

Dear Mr. Oppen:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, *et seq.* and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceeding the maximum contaminant level (MCL) for total coliform, failure to monitor for bacteriological quality, failure to conduct repeat sampling for each total coliform-positive routine sample, failure to conduct five routine samples the month after a total coliform-positive routine sample, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Darcy O'Connor of my staff at (303) 312-6392 within 20 days if your records show any discrepancies with these determinations of violation.

Date of  
Violation

Violation

March 2002, October 2002, December 2002, January 2003, July 2004, August 2004, October 2004, April 2005, December 2005	Exceeded the MCL for microbiological contaminants. [40 C.F.R. § 141.63]
May 2002, June – July 2005,	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21 and ARM Chapter 38, Sub-Chapter 2, Section 17.38.215(1)(b)]
February 2003	Failure to conduct repeat monitoring for each total coliform-positive routine sample. [40 C.F.R. § 141.21(b)]
November 2002, February 2003, September 2004, May 2005, January 2006	Failure to conduct five routine samples the month after a total coliform-positive routine sample. [40 C.F.R. § 141.21(b)(5)]
2002 – 2006	Failure to notify public of violations. [40 C.F.R. § 141.201]
2002 – 2006	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.31(b), 141.21(g)(1) and 141.21(g)(2)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g), requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

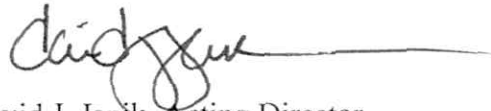
Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Darcy O'Connor at (303) 312-6392.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an EPA enforcement action. SBREFA does not eliminate the responsibility to comply with the SDWA.

Sincerely,



Diane L. Sipe, Director  
Water Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



David J. Janik, Acting Director  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure: SBREFA Fact Sheet

cc: Steven Westberg, Registered Agent Westberg Enterprises, Inc. (certified mail/return receipt requested w/Enclosure)  
John Arrigo, MT DEQ (w/o Enclosure)



## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

**Pollution Prevention Clearinghouse**  
<http://www.epa.gov/opptintr/library/ppicindex.htm>

**EPA's Small Business Ombudsman Hotline** can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone and Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
<http://www.epa.gov>

**Small Business Assistance Program**  
<http://www.epa.gov/ttn/sbap>

**Office of Enforcement and Compliance Assurance**  
<http://www.epa.gov/compliance>

**Compliance Assistance Home Page**  
<http://www.epa.gov/compliance/assistance>

**Office of Regulatory Enforcement**  
<http://www.epa.gov/compliance/civil/index.html>

**Office of Site Remediation Enforcement**  
<http://www.epa.gov/compliance/cleanup>

**Innovative Programs for Environmental Performance**  
<http://www.epa.gov/partners>

**Small Business Ombudsman**  
[www.sba.gov/ombudsman](http://www.sba.gov/ombudsman)

